IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1129 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/02/2004 in WP No : 1535 OF 1999 on the file of the High Court.)

Between:

S. S. Bhatia, S/o J-J Bhatia,
R/o 205/A/Sector-7, Ukkunagaram, Visakhapatnam.

..... APPELLANT

AND

1 Rashtriaya Ispat Nigam Ltd, Visakhapatnam Steel Plant, Visakhapatnam, rep. by is Chairman and Managing Director.
2 The Director (Operations), Rashtriya Ispat Nigam Ltd, Visakhapatnam Steel Plant, Visakhapatnam.
3 The Assistant General Manager C.C.C. Visakhapatnam Ispat Nigam Ltd, Visakhapatnam Steel Plant, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant : SMT.D.PRASANNA KUMARI

Counsel for the Respondents : MR.V.RAVINDER RAO

The Court made the following :

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

The present Writ Appeal is filed by the appellant-writ petitioner aggrieved by the order in W.P.No.1535 of 1999 dated 03.02.2004 passed by a learned single Judge of this Court.

The said Writ Petition was filed to declare the proceedings of the 3rd respondent-disciplinary authority dated 15.06.1998 as confirmed by the 2nd respondent-appellate authority vide his proceedings dated 31.10.1998 as arbitrary and illegal and consequently to set aside the punishment imposed against the writ petitioner.

Through the impugned Order dated 15.06.1998, the appellant-writ petitioner was imposed the punishment of reduction to a lower grade i.e. reducing from the existing post of Chief Manager (Cost Control Cell) in E-5 Grade to the lower post of Manager and counting the seniority in the post of Manager in E-4 grade afresh from the date of effect of penalty, and the same was confirmed by the appellate authority vide its Order dated 31.10.1998.

The learned single Judge after going into the merits of the case dismissed the Writ Petition holding that the issue that the punishment imposed is disproportionate to the misconduct, proved against the petitioner, cannot be gone into by this Court, unless and until the same is found to be unjust or illegal.

Learned counsel for the appellant-writ petitioner submits that in view of the

punishment imposed, the appellant herein who was holding the post of Chief Manager (Cost Control Cell) in E-5 grade was lowered to the rank of Manager in E-4 grade and his seniority was also ordered to be counted afresh in the said grade. He also submits that by lowering the rank to E-4 grade, the appellant was made to suffer the punishment, and by counting his seniority afresh in E-4 grade, he was denied promotion in his own turn.

Having regard to the above submissions made by the learned counsel for the appellant, it would suffice to modify the order of the learned single Judge to the effect that the case of the appellant herein should be considered for promotion, if he is otherwise eligible, as per the Staff Regulations.

With the above observation, the Writ Appeal is disposed of. No costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 23.06.2005

lvl/bsv

To

1 The Chairman and Managing Director. Rashtriaya Ispat Nigam Ltd,

Visakhapatnam Steel Plant, Visakhapatnam,

2 The Director (Operations), Rashtriya Ispat Nigam Ltd,
Visakhapatnam Steel Plant, Visakhapatnam.

3 The Assistant General Manager C.C.C. Visakhapatnam Ispat Nigam Ltd,
Visakhapatnam Steel Plant, Visakhapatnam.

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